



State of Vermont

LAND USE PERMIT

AMENDMENT

CASE NO. 1R0048-8(B)-EB LAWS/REGULATIONS INVOLVED
APPLICANT: Juster Development Co. 10 V.S.A. Chapter 151
(Act 250)

The Vermont Environmental Board hereby issues Amended Land Use Permit #1R0048-8(B)-EB pursuant to the authority vested in it in 10 V.S.A. § 151. This permit applies to the lands identified in and the subject of a deed to Juster Associates (the Permittee) as "Grantee" and recorded in Book 41, Page 13 of the Town of Rutland Land Records. This permit amends Land Use Permit #1R0048-8-EB, which authorizes the Permittee to construct and operate a 177,000 square foot addition with related facilities to the Rutland Mall in the Town of Rutland, Vermont, by amending Condition #29 of that permit.

CONDITIONS

1. The Permittee, and its successors and assigns, are obliged by this permit to complete, operate, and maintain the project only as approved by the Environmental Board in accordance with Findings of Fact, Conclusions of Law, and Order and Land Use Permit #1R0048-8-EB (December 19, 1988), as modified by Findings of Fact, Conclusions of Law, and Order and Land Use Permit Amendment #1R0048-8(A) (August 30, 1989), as modified by Findings of Fact, Conclusions of Law, and Order and Land Use Permit Amendment #1R0048-8(B) (March 19, 1990), as modified by Reconsideration Findings of Fact, Conclusions of Law, and Order #1R0048-8(B) (December 28, 1990), except as all are amended hereby. The project shall further be completed in accordance with the plans, exhibits and testimony presented to the District #1 Environmental Commission (the District Commission) and the Environmental Board by the Permittee. In the event of conflict among the referenced Findings and Conclusions, the most recent Findings and Conclusions shall control. In the event of conflict among any of the exhibits presented by the Permittee during the proceedings which led to issuance of the referenced Findings and Conclusions, the exhibits which were submitted in support of the latest Findings of Fact and Conclusions of Law shall control. No changes shall be made in the project without the written approval of the District Commission.
2. Condition #29 is deleted from Land Use Permit #1R0048-8-EB and is superseded by the conditions imposed herein.
3. The District Commission retains jurisdiction for the life of these permit amendments.

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4. The driveway to the parking area for the Panda Pavilion restaurant shall be reconstructed to provide a wider turning radius for vehicles entering that driveway from the Mall drive.
 5. The Permittee shall have a police officer at the Mall's internal intersection to control traffic during peak design hour conditions. The Permittee shall file with the District Commission a notice of when peak design hour conditions are anticipated to occur.
 6. The Permittee shall reconfigure traffic patterns within the Mall roadways to conform with the Permittee's proposed "Alternative A."
 7. This permit is contingent upon approval of the east access design and the reduction of the speed limit along Route 4 by the Vermont Agency of Transportation. The Permittee shall propose to the Vermont Agency of Transportation to reduce the speed limit for westbound Route 4 to 40 m.p.h. at a point east of the Post Road and Route 4 intersection where the east access first becomes visible to westbound traffic and to 30 m.p.h. in the immediate vicinity of the east access for both eastbound and westbound traffic.
 8. The Permittee shall construct a westbound deceleration lane at the east access with a full width lane 225 feet in length and a taper lane 200 feet in length.
 9. The Permittee shall construct an acceleration lane for right-turning vehicles exiting the east access.
 10. The separate lane for left-turning vehicles exiting at the east access shall have stacking capacity for at least six cars.
 11. Vehicles travelling eastbound on Route 4 shall be prohibited from turning left into the east access. In order to make it physically impossible for eastbound vehicles to turn left into the east access, the Permittee shall design the east access so that the two exiting lanes are separated by a traffic island from the westbound entering lane which shall be a curved channelized lane. Such design is contingent upon approval by the Vermont Agency of Transportation.
 12. The Permittee shall install conduits for a traffic signal at the location of the east access.
 13. The Permittee shall monitor traffic conditions at the east access and submit the results of its monitoring to the Vermont Agency of Transportation for review and consideration of whether a traffic signal should be installed at this access. If the Vermont Agency of Transportation concludes that a traffic signal should be installed at this access, the Permittee shall be responsible for all costs associated with the installation of the traffic signal.
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14. Subject to the approval of the Vermont Agency of Transportation, if such approval is required, the Permittee shall install a flashing amber beacon and a flashing speed limit sign beacon for westbound traffic at the point east of the intersection of Post Road and Route 4 where the east access first becomes visible to westbound traffic. This is in addition to the flashing speed limit sign beacon at the westbound approach to the east access, and the advance warning sign of the shopping center turn lane proposed by Juster.
15. No curb cuts on the east access driveway shall be permitted without an amendment to this permit.
16. The Permittee shall, at its expense, upon the request of the owner of the residential property which is currently owned by Joseph and Anne Vargas, relocate the driveway on that property to a point immediately across Route 4 from the east access. Such request may be made at any time during a five-year period beginning with the commencement of construction of the east access. The Permittee is relieved of this obligation if that residential property is used for other than residential purposes. If the Permittee relocates the driveway, it shall also be responsible for landscaping the driveway to the reasonable specifications of the owners of that property and restoring the prior driveway to grass and plantings.
18. Failure to comply with any of the conditions of this permit amendment may be grounds for revocation pursuant to 10 V.S.A. § 6090(c).
19. This permit amendment shall expire on the same date as Land Use Permit #1R0048-8-EB unless extended by the District Commission.
20. All construction authorized by this permit must be completed on or before March 31, 1994.

Dated at Montpelier, Vermont, this 13th day of March, 1992.

ENVIRONMENTAL BOARD



Charles Storrow, Acting Chair

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